

# Officer's Report

## Planning Application No: 140254

**PROPOSAL:** Planning application for the erection of two storey and single storey extensions to the rear, including the removal of existing two storey elements- resubmission of 139326.

**LOCATION:** The Poplars 22 Main Street Normanby-By-Spital Market Rasen LN8 2HE

**WARD:** Waddingham and Spital

**WARD MEMBER:** Cllr J Summers

**APPLICANT NAME:** Mr & Mrs C Redmile

**TARGET DECISION DATE:** 02/01/2020 (Extension of time agreed until 06/02/2020)

**DEVELOPMENT TYPE:** Householder Development

**CASE OFFICER:** Danielle Peck

**RECOMMENDED DECISION:** Grant permission with conditions

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### Description:

**The application is being referred to the Planning Committee for determination as there are outstanding objections from neighbours and the planning matters under consideration are finely balanced.**

The application site comprises of a detached two storey dwelling set back from the highway within the small settlement of Normanby-By-Spital. There are a number of existing outbuildings to the rear of the property and a large garden area beyond this. The site is bounded by residential uses to the north, west and south with agricultural buildings and field beyond the rear garden to the east. There is a wall along the northern boundary with a mixture of trees and hedging to the south, east and west boundaries. This application is a resubmission of a previously refused scheme (139326).

The application seeks permission to erect two storey and single storey extensions to the rear of the property which includes the removal of the existing elements to the rear.

Following negotiations with the agent amended plans were received on 8 January 2020, a re-consultation was then carried out for 14 days with the neighbouring properties 'Homestead' and '24 Main Street'.

### Relevant history:

**139326-** Planning application to demolish a two storey structure and construct a two and a half storey rear extension. Refused 7 June 2019.

### Representations:

Chairman/Ward member(s):	No representations received to date.
Normanby-By-Spital Parish Council:	No representations received to date.
Local residents:	<p><b>Homestead- 19 January 2020</b>  The new submitted plans show a negligible difference to those previously submitted. Our concerns remain the same:</p> <ol style="list-style-type: none"> <li>1. The number of windows overlooking our property leave us with little to no privacy.</li> <li>2. Increased soil flow through ancient pipework.</li> </ol> <p>Further to these concerns we wish to highlight the following facts:</p> <ol style="list-style-type: none"> <li>1. The bi-fold doors open towards our property which would result in all noise being directed towards us.</li> <li>2. A substantial new build within the garden, shown on no plans, to accommodation standard, with water and soil piping.</li> <li>3. The artist impression creates a false image of the property with an open garden which is very much not the case.</li> </ol> <p><b>Homestead- 4 December 2019</b> (In summary)</p> <ul style="list-style-type: none"> <li>• We appreciate the alterations to the original proposals however our original concerns have still not been addressed;</li> <li>• The extension is large and sets a dangerous precedent;</li> <li>• There is currently a single storey building being built in the rear garden clearly of accommodation standard and larger than any original outbuildings;</li> <li>• The new extension will directly overlook all of our plot with the addition of more windows;</li> <li>• We will be completely dominated by a large structure;</li> <li>• Concerns in relation to foul drainage and ancient pipework which crosses our plot.</li> </ul> <p><b>The Olde Post Office, 24 Main Street-21 January 2020</b> (In summary)</p> <ul style="list-style-type: none"> <li>• In our opinion the changes that have been made make minimal impact as far as our objections are concerned, which remain exactly the same as our comments (4/12/19)</li> <li>• Concerns with the height and extent of the extension, along with the proximity to our house;</li> <li>• Adverse impact on our windows to the back of our house and loss of privacy;</li> </ul>

	<ul style="list-style-type: none"> <li>• We dispute the sun tracking diagrams which show that there will be no impact on our property;</li> <li>• The photographs we provided previously clearly indicate that the proposed building will have significant impact on light.</li> </ul> <p><b>The Olde Post Office, 24 Main Street- 4 December 2019</b> (In summary)</p> <ul style="list-style-type: none"> <li>• Whilst we appreciate that the applicants have responded to our original objections by making alterations to their proposals, we were not consulted before the new plans were prepared;</li> <li>• We still have serious concerns/issues in relation to their proposals;</li> <li>• General objection is the overall height and extent of the new build extension together with its proximity to our house;</li> <li>• Concerns with dominance and loss of light in our private courtyard area and habitable windows;</li> <li>• Right to light, we believe the current layout of no. 22 was designed so as to allow light into the rooms at the back of 24;</li> <li>• Loss of privacy- The current window is a narrow frosted one that is a reasonable distance from our property. The proposed 2 windows are significantly larger and will effectively be directly above the courtyard where we/our guests often sit out, enjoy the sun and talk, and as the windows will be directly overlooking/above the courtyard/rooms at the back of the house, we believe that even with frosting their proposal will lead to an invasion of our privacy.</li> </ul>
LCC Highways/Lead Local Flood Authority:	No objections. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.
Archaeology:	No representations received to date.
IDOX:	Checked 22/01/2020

**Relevant Planning Policies:**

National guidance	<p>National Planning Policy Framework  <a href="https://www.gov.uk/guidance/national-planning-policy-framework">https://www.gov.uk/guidance/national-planning-policy-framework</a></p> <p>National Planning Practice Guidance  <a href="https://www.gov.uk/government/collections/planning-practice-guidance">https://www.gov.uk/government/collections/planning-practice-guidance</a></p>
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Local Guidance	<p>Central Lincolnshire Local Plan ( 2012 -2036):</p> <p>LP1: A Presumption in Favour of Sustainable Development  LP17: Landscape, Townscape and Views  LP26: Design and Amenity</p> <p><i>With consideration to paragraph 213 of the National Planning Policy Framework (February 2019) the above policies are consistent with the NPPF (February 2019).</i></p> <p><a href="https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/">https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/</a></p>
Neighbourhood Plan:	<p>Whilst the area was designated as a Neighbourhood Area in June 2017, to date there is no neighbourhood plan in circulation.</p>

#### **POLICY LP26 – Design and Amenity**

Is the proposal well designed in relation to its siting, height, scale, massing and form?

Yes.

The existing two storey elements to the rear protrude by 6.5 metres, the new proposed two storey extensions are to be 7.7 metres in length and have a total height of 7.1 metres. The existing ridge height of the two storey element is 6.7 metres, meaning an increase of approximately 0.4 metres. The existing flat roof two storey element adjacent to the boundary with 24 Main Street measures 5 metres in height.

Through negotiations with the agent, amended plans were received which has broken up the massing of the extension closest to the north boundary with 24 Main Street. The two storey element extends 2.4 metres from the rear wall with a total height of 5.3 metres, the height to the eaves is 4.3 metres, and it then drops to single storey.

It is considered that the amended proposals now relate well to the existing property and will not appear as over dominant features.

Does the proposal respect the existing topography, landscape character, street scene and local distinctiveness of the surrounding area?

The dwelling is set back from the main highway of Main Street and is not read as part of the street scene, there are also tall trees to the front of the site which hides any views of the dwelling, and the proposal is also to the rear.

Does the proposal harm any important local views into, out of or through the site?

No. There are no important views noted.

Does the proposal use appropriate materials which reinforce or enhance local distinctiveness?

Yes. The materials are satisfactory.

Does the proposal adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance?

No.

Dominance and Overshadowing

The proposed extension will be located 2.1 metres away from the north boundary with 24 Main Street which has a private courtyard and windows adjoining this boundary, there is also a high wall in between the properties. The proposed height of the extension closest to this boundary will be 5.3 metres, this is an increase of 0.3 metres in comparison to the existing element. This extension then drops to single storey. Whilst the extension will be located further towards the boundary it is considered that the break-up of the massing of the extension closest to the boundary will not adversely affect the amenity space or windows by virtue of over dominance.

As a result of the orientation of the site and the proposed siting, the proposal has the potential to cause overshadowing over No.24. Overshadowing already occurs in this courtyard area of no.24 from the dwelling which is the subject of this application and from the 2 metre high boundary wall.

Overlooking

The proposals include two first floor windows on the north elevation, one serves an en-suite and one serves a bathroom, the agent for the application has confirmed by email dated 21 January 2020 that these will both be obscurely glazed, if permission were to be granted then a condition would be placed on the decision notice to ensure these stayed obscurely glazed for the lifetime of the development.

There is no new overlooking from the south elevation, there will however be additional overlooking in this elevation in the form of first floor bedroom windows, there is a separation distance of 10 metres from the boundary with no. 20 Main Street, and it is therefore considered that the amenity of this occupier would not be adversely affected.

If permission were to be granted a condition removing certain permitted development rights in relation the insertion of any new windows, dormer windows and roof lights is considered to be appropriate.

When considering the above, on balance it is considered that the impact of the extensions on the private amenity space of the neighbouring properties would not be significantly different than the existing arrangement and therefore the proposals accord to LP26.

Does the proposal adversely impact any existing natural or historic features?

No.

**Other considerations:**

Does the proposal enable an adequate amount of private garden space to remain?

Yes. The garden to the rear is large.

Does the proposal enable an adequate level of off street parking to remain?

Yes.

**Foul Water Disposal**

Concerns were raised from the occupiers at 20 Main Street regarding the increase in sewerage as a result from the enlargement of the dwelling. It is not a requirement on the Householder Planning Application Form to show proposed methods for the disposal of foul and surface water drainage as it is thought that extensions to dwellings and other proposals will plug into the existing systems that serve the host property. Part H of the Building Regulations will also deal with this issue.

**Conclusion and reasons for decision:**

The decision has been considered against the policies LP1 A Presumption in Favour of Sustainable Development, LP17 Landscape and Townscape and Views and LP26 Design and Amenity of the Central Lincolnshire Local Plan in the first instance and guidance contained within the National Planning Policy Framework and the National Planning Practice Guidance. In light of this assessment it is considered that the design is appropriate and the development would not detrimentally impact the character of the area or the dwelling. No harm would arise to highway safety. The proposal will not result in significant detrimental impact upon the living conditions of neighbouring properties. The proposal is therefore acceptable.

**Recommended Conditions:****Conditions stating the time by which the development must be commenced:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

**Conditions which apply or are to be observed during the course of the development:**

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 12-412-02 C, 12-412-03 D received 8 January 2020. The works shall be carried out in accordance with the details shown on the approved plans.

**Reason:** To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework.

3. The materials used in the development shall match those stated on the application form.

**Reason:** To ensure the use of appropriate materials to accord with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

**Conditions to be observed following the completion of the development:**

4. The first floor windows on the north elevation that serve the 'bathroom' and 'en-suite' shall be obscure glazed and retained thereafter.

**Reason:** To protect the neighbour's amenity from undue loss of privacy from overlooking in accordance with the National Planning Policy Framework and LP26 of the Central Lincolnshire Local Plan.

5. Notwithstanding the provisions of Classes A, B,C, of Schedule 2 Part 1, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order), there shall be no external alterations to the dwelling including the insertion of new windows, or dormer windows or extensions other than authorised by this permission.

**Reason:** To safeguard the character and appearance of the building and the local area and to avoid adverse impacts on adjoining residential amenities through loss of privacy, overlooking and over dominance in accordance with Policy LP17 and Policy LP26 of the Central Lincolnshire Local Plan.

**Human Rights Implications:**

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

**Legal Implications:**

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report.